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FORM TO BE USED BY A PRISONER FILING A
42 U.S.C. § 1983 CIVIL RIGHTS COMPLAINT
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

I. CAPTION

Andre Livingston

(Enter the full name of the plaintiff or
plaintiffs)

v.

^{P.M.} ^{P.M.}

Lt. John Doe Appel, 2 to 10 Shift Guards
Medical Department, and Warden Julio M.
Algarin of Montgomery County Correctional Facility

(Enter the full name of the defendant or
defendants)

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II. PARTIES

a. Plaintiff

Full name: Andre Livingston

Prison identification number: JC 7721

Place of present confinement: S.C.I. Fayette

Address: P.O. Box 9999 LaBelle, PA. 15450-0999

Place of confinement at time of incidents or conditions alleged in
complaint, including address: (Physical Assault)

Montgomery County Correctional Facility 60 Eagleville Rd. PA. 19403

Additional plaintiffs: Provide the same information for any additional
plaintiffs on the reverse of this page or on a separate sheet of paper.

b. Defendants: (list only those defendants named in the caption of the
complaint, section I)

1. Full name including title: Lt. John Doe Appel (Lieutenant)

Place of employment and section or unit: Montgomery County Correctional Facility

2. Full name including title: John Doe's & Jane Doe's (two to ten shift guards)

Place of employment and section or unit: M.C.C.F. 60 Eagleville Rd.

3. Full name including title: Montgomery County Medical Department

Place of employment and section or unit: M.C.C.F. 60 Eagleville Rd.

4. Full name including title: Julio M. Algarin (Warden)

Place of employment and section or unit: M.C.C.F. 60 Eagleville Rd.

Additional defendants: Provide the same information for any additional
defendants on the reverse of this page or on a separate sheet of paper.

III. PREVIOUS LAWSUITS

Instructions:

If you have filed other lawsuits in any federal or state court dealing with the same facts as this complaint or other facts related to your imprisonment, you must provide the information requested below. If you have not filed other lawsuits, proceed to Section IV, Administrative Remedies, on this page.

If you have filed other lawsuits, provide the following information.

Parties to your previous lawsuit:

Plaintiffs _____
 Defendants _____

Issues: _____

Court: if federal, which district? _____
 if state, which county? _____

Docket number: _____ Date filed: _____

Name of presiding judge: _____

Disposition: (check correct answer(s)); Date: _____

Dismissed ☐ Reason? _____

Judgment ☐ In whose favor? _____

Pending ☐ Current status? _____

Other ☐ Explain _____

Appeal filed? ☐ Current status? _____

Additional lawsuits. Provide the same information concerning any other lawsuits you have filed concerning the same facts as this action or other facts related to your imprisonment. You may use the back of this page or a separate sheet of paper for this purpose.

IV. ADMINISTRATIVE REMEDIES

Instructions:

Provide the information requested below if there is an administrative procedure to resolve the issues you raise in this complaint. Examples of administrative procedures include review of grievances, disciplinary action, and custody issues. If no administrative procedures apply to the issues in this complaint, proceed to Section V, Statement of Claim, on page 4.

a. Describe the administrative procedures available to resolve the issues raised in this complaint:

Type of procedure. (grievance, disciplinary review, etc.)

Handwritten letter to Julio M. Algarin on August 14, 2009, 15, 2009 incident ^{OF the July (Warden)}

Authority for procedure. (DC-ADM, inmate handbook, etc.)

due to my transition to another Facility on July 16, 2009, is 7 days after incident ^{m.c.c.f. grievance}

Formal or informal procedure. unknown

Who conducts the initial review? Dennis J. Moyniaux (Deputy Warden)
responded on September 20, 2010

What additional review and appeals are available? unknown

b. Describe the administrative procedures you followed to resolve the issues raised in this complaint before filing this complaint:

On what date did you request initial review? August 14, 2009

What action did you ask prison authorities to take? I asked the Warden for separation due to future legal proceedings

What response did you receive to your request? none, except for a response on Sept 20, 2010 due to a letter that I sent to Montgomery County Commissioners Office ^{Sept 5, 2010}

What further review did you seek and on what dates did you file the requests? Criminal Complaint Filed with Montgomery County District Attorney Office in September 2010 case # MCDB 2010-1896

What responses did you receive to your requests for further review?

Response letter From Lt. Richard L. PeFFall Major Crime Unit of Montgomery County District Attorney Office Date November 29, 2010

c. If you did not follow each step of the administrative procedures available to resolve the issues raised in this complaint explain why.

Due to my transfer to S.C.I. Graterford on July 16, 2009, I was unable to obtain the correct legal documents

V. STATEMENT OF CLAIM

Instructions:

State here as briefly as possible the facts of your case. Use plain language and do not make legal arguments or cite cases or statutes. State how each defendant violated your constitutional rights. Although you may refer to any person, make claims only against the defendants listed in the Caption, Section I. Make only claims which are factually related. Each claim should be numbered and set forth in a separate paragraph with an explanation of how the defendants were involved. Use the reverse of this page or a separate sheet of paper if you need more space.

Statement of claim:

- (1) On the day of July 15, 2009 I (Andre Livingston) was handcuffed behind my back by the gymnasium area of M.C.C.F. and repeatedly were punched in my face and head by Lt. John Doe Appel and the guards (2 to 10 shift) of M.C.C.F. I were then placed in a office between J & K blocks of the Facility where the assault against me continued. Lt. John Doe Appel had spitted in my hair and on my face while the other guards took turns hitting me. After the incident I was sent to medical, I requested to be sent to a outside hospital and was denied that and any medical treatment due to who the incident occurred with. The
- Continued on back →

VI. RELIEF

Instruction: Briefly state exactly what you want the Court to do for you.

Relief sought:

Injunction Relief, Monetary Relief due to injuries sustained by Lt. Appel and 2 to 10 shift Guards of M.C.C.F., on July 15, 2009

VII. DECLARATION AND SIGNATURE

I (we) declare under penalty of perjury that the foregoing is true and correct.

April 18, 2011
DATE

Mr. Andre Livingston
SIGNATURE OF PLAINTIFF(S)

Next day July 16, 2009, I was transferred to S.C.I. Graterford. Due to the injuries that I sustained the day before on July 15, 2009 in Montgomery County Correctional Facility I was almost denied to be processed in S.C.I. Graterford because of my injuries did not occur in that Institution. My State I.D. is vivid proof of what has transpired the day before.

(4) The injuries that I obtained were swollen left eye, right temple area swollen, busted lip, 4 cracked teeth, swollen jaw, discoloration to the left and right sides of my face. I request for a Injunction Relief because I fear that there may be retaliation against me because I reported this to a higher authority. I request Monetary Relief due to the injuries.

(5) On August 14, 2009, I reported the incident to the Warden Julio M. Algarin, due to my transition from S.C.I. Graterford to S.C.I. Camp Hill I had limited access to paper and the law library. I did not receive a response from M.C.C.F. until September 20, 2010 ~~but~~ from Deputy Warden Dennis J. Molynaux.